

VINITA DAILY CHIEFTAIN.

VOL XIII. NO. 281.

VINITA, OKLAHOMA, WEDNESDAY, MARCH 20, 1912.

FIVE CENTS PER COPY

INDIAN FUNDS DUE FROM GOVERNMENT

Statement of Funds of the Cherokee Indians in Hands of Government February 8th, 1912.

Obtained from the office of the Indian Department February 27th, 1912, by Joseph W. Lewis.

(1) Asylum Fund	\$ 51,334.47
(2) Interest	10,006.84
(3) National Fund (\$478,207.80)	639,201.10
(4) Interest (\$65,000.00)	39,920.81
(5) Orphan Fund	362,821.38
(6) Interest	41,524.94
(7) Outlet Fund	28,332.54
(8) School Fund	527,759.74
(9) Interest	45,154.11
(10) Cattle Tax	954.99
(11) Right of Way	32,945.94
(12) Royalties	12,156.19
(13) Stone and Timber	15.00
(14) Town Lots	220,113.70
(15) Unallotable Lands	31,379.53

\$2,093,619.28

(16) In Oklahoma Banks 100,228.70

\$2,193,847.98

The government proposes to make a distribution in the month of March of \$15.00 per capita, and if this distribution is made it will require \$625,470.00.

The distribution would include the full number of enrolled Indians, to-wit, 36,096, and the full number of after-born children, whose rights are to be determined in the Gritts case, to-wit, 5,604. The \$15.00 per capita will be reserved until the Gritts case is decided.

The \$15.00 distribution would, therefore, be as follows:

\$15 per capita to 36,096 enrolled	\$541,410.00
\$15 per capita reserved for after-born children	84,060.00

\$625,470.00

The number of freedmen excluded from the rolls by reason of the decision in the Whitmire case is estimated at 1,700. Each of these freedmen, if admitted, would be entitled to a payment of \$651.20, amounting to \$1,107,000.00, which is the total amount saved to the Indians by the action of the supreme court in the Whitmire case.

If the after-born children are successful in the Gritts case now pending in the supreme court, the tribal funds based upon the account as of January 23rd, 1912, would be as follows: Total cash available \$2,155,229.75. Deducted from this amount required to equalize allotments of children, under the act of 1906, if the Gritts case is decided in favor of the children, \$1,039,172.08. Allotments, \$291,192.50. Making the total to be deducted, \$1,330,364.58. This would leave a balance on hand for per capita payments and other expenses, of \$824,865.17. To this should be added about \$125,000.00 for unallotted lands, and \$25,000.00 from other sources, thus making the total balance \$974,865.17. The \$15 per capita above referred to will absorb \$625,470.00, if the after-born children are admitted and, therefore, the balance left for distribution would be \$349,395.17.

If the children are excluded there should be added to the balance for distribution the \$1,059,172.08 set aside above to equalize allotments to the children.

Eastern or Emigrant Cherokees Were Defrauded.

All Eastern or Emigrant Cherokees ought to know that they have been defrauded out of their ancestors' property rights by a decree so unjustly rendered against them in the Court of Claims on April 29, 1907. Now steps are being taken to get justice; that is what we want and all we ask. We are not asking the United States government to give us anything, but what

we should have gotten by all the laws of descent and distribution and what we would have gotten had the payment been per stirpes instead of per capita.

Now in order to prosecute this suit it is necessary to get certain facts so you will kindly send in your name stating in full the name of the ancestor or ancestors you claim under and whether you are entitled to one or more shares, half shares, three-quarter, quarter, eighth or what ever number you claim. This will enable us to see how much money is due you, and enable us to know what to contend for in law.

This money which was wrongfully paid was due us June 12, 1838, and under the Articles 1, 4, 12 and 15 of the treaty of 1835, or Treaty of New Echota, should have, in order to comply with said articles of the treaty been paid per stirpes. A per capita payment to our ancestors means a per stirpes payment for us and it is up to us to get it.

In Elk vs. Wilkins, the Court said: "An Indian, born a member of one of the Indian tribes within the United States, which still exists and is recognized as a tribe by the government of the United States, who has voluntarily separated himself from his tribe, and taken up his residence among the white citizens of a state, but who has not been naturalized, or taxed, or recognized as a citizen, either by the United States or by the state, is not a citizen of the United States, within the meaning of the Fourteenth Article of Amendment of the Constitution." Elk v. Wilkins, 112 U. S. 94, 111.

The treaty of 1867 with the Kansas Indian strikingly illustrates the principle that no one can become a citizen of a nation with out its consent and directly contradicts the supposition that a member of an Indian tribe can at will be alternately a citizen of the United States and a member of a tribe. By the Act of July 15, 1870, Chap. 296, 16, for instance, it was provided that if at any time thereafter any of the Winnebago Indians in the State of Minnesota should desire to become citizens of the United States, they should make application to the District Court of the United States for the District of Minnesota, and in open court make the same proof and take the same oath of allegiance as is provided by law for the naturalization of aliens, and should also make proof to the satisfaction of the court that they were sufficiently intelligent and prudent to control their affairs and interests, that they had adopted the habits of civilized life, and had for at least five years before been able to support themselves and their families; and threupon they should be declared by the court to be citizens of the United States, the declaration entered of record, and a certificate thereof given to the applicant; and the Secretary of the Interior, upon presentation of that certificate, might issue to them patents in fee simple with power of alienation, of the lands already held by them in severalty, and might cause to be paid to them their proportion of the money and effects the tribe held in trust under any treaty or law of the United States; and thereupon such persons should cease to be members of the tribe, and the lands so patented to them should be subject to levy, taxation and sale in like manner with the property of other citizens. 16, Stat. 361.

By the Act of March 3, 1873, ch. 332-3, similar provision was made for the naturalization of any adult members of the Miami tribe in Kansas, and of their minor children. 17 Stat. 632.

In case of United States vs. Osborne, 6 Sawyer, 406, 409, Judge Deady in the District Court of the United States for the District of Oregon said: "But an Indian cannot make himself a citizen of the United States without the consent and co-operation of the Government. The fact that he has abandoned his nomadic life or tribal relations, and adopted the habits and manners of civilized people, may be a good reason why he should be made a citizen of the United States, but does not of itself make him one. To be a

THE DEVIL A FISHING WOULD GO.

(By Sy. Nonymous.)

A remarkable thing has happened of late. And the facts in the case I will now try to state: For it seems the Devil a fishing would go, And what better place than Bull Creek, you know. But he fished not for crawdads, or bull-heads, or bass; He was after the leading professional Ass.

If him he could catch, back to Limbo he'd fly, With joy in his heart, a new glare in his eye. A derelict parson already he'd caught; A "higher critic," who hereby taught; While plenty of women he had on his string, And jacklegged lawyers, who worked for the "Ring," With Councilmen, too, and judges galore; With some who talked pious, and others who swore; Some who had riches, and some who had not; This is a fact, and not a bon mot.

Yet all of these "suckers" were useless to "Nick," Old Saw Bones he wanted; he was his pick. So he baited his hook, and cast in his line, And watched for his cork to bob along fine; But the wily old Saw Bones was "up to that snuff," And little he cared for any such stuff; Till Satan, despairing, said, "I'll try once again," And baited his hook with Voltaire and Tom Paine.

Now came such a pull as astonished the Imp; And out on the bank he flung a queer "shrimp;" An odd-looking fish was the Devil's last catch; There was nothing in heaven or earth it would match. 'Stead of scales on its body, it had scales o'er its eyes, And had wings on its head, to the Devil's surprise. It's head it was peaked, indicating few brains; To describe the odd creature I'll not take the pains. But Darwin would say it was built on a plan; Given millions of years, 'twould turn into a man. And the Devil admired the remarkable "fish," And said, as he "strung it," "I now have my wish! I'll make it the second to me on the throne; There's so many sceptics, I can't reign alone. A new name I'll give it, THE INFIDEL ASS. Who, for hatred of God, none can surpass. With me it shall reign, and write for the press. It'll libel the Bible; the saints t'will distress: For this is its forte, in this t'will delight; So good bye, Vinita, I'll now take my flight."

Then away flew the Devil to regions below, With the Infidel Ass in his clutches, you know. Good riddance to both, for now we'll be blest, And hope to enjoy a long season of rest.

COL. ROOSEVELT ROMPS ON TAFT

Doubts the Sincerity of President Taft Regarding the Presidential Primary.

New York, March 19.—Col. Roosevelt today issued a statement in which he discussed President Taft's speech in Boston yesterday.

"President Taft is reported as saying at Boston yesterday," he said, "that the voluntary primary power—as he calls it, the soap box primary—that is, a method adopted by the people as the only way in which to express their wishes when their legislatures deny them any other option to do so, is worse than nothing. But the president continues to say that he favored a preferential primary for the presidency.

"I am exceedingly glad the president has taken this ground and if his campaign managers will sincerely back him in the proposition we will be able at once to get the presidential preferential primary in Michigan, Illinois, Maryland, the District of Columbia and New York.

"I earnestly hope that the president and his supporters will, in other states, support such legislation before it passes and not after it passes."

citizen of the United States is a political privilege which no one, not born so, can assume without its consent in some form.

Chirac v. Chirac, 2 Wheat. 259. Fellows v. Blacksmith, 19 How. 366. United States v. Holladay, 13 Wall 497, 420.

United States v. Joseph, 94 U. S. 614, 618.

Sec. 2118 of the Revised Statutes, which was originally enacted June 30, 1834, declares that every person who makes a settlement on any lands belonging, secured or granted by treaty with the United States to any Indian tribe, or surveys or attempts to survey said lands, or to designate any of the boundaries by making tress or otherwise, is liable to a penalty of \$1000.00.

SUSAN SANDERS, University Hotel, St. Louis, Mo.

COUNTY OFFICERS ARE VINDICATED

The cases of the county of Kingfisher against Geo. L. Bowman, as county attorney; Geo. H. Woodworth, county clerk; J. A. Linsey, county commissioner, and Col. Mills, county commissioner, were all tried the last day or two in the district court of this county.

The county lost each and every case. These cases were brought on a report made by examiners sent here to inspect the books of the county officers by the state administration under Haskell, and the result of the trial shows that the work of these examiners was incompetent or—

They were paid by this county \$7,000.00 for their work, and the county officers, through their attorneys, Lee M. Gray and P. S. Nagle, hired J. S. Thompson of Oklahoma, an expert examiner and accountant to do identically the same work in behalf of the officers.

Thompson went through the work of the county clerk and brought the county clerk out \$4.00 long, or in other words the county was owing Woodworth, county clerk, \$4.00. After a judicial examination of the Woodworth case the court found that Woodworth was \$4.00 long or that the county owed Woodworth \$4.00.

The report made by the examiner, Thompson, in regard to Bowman and Miles, Downing, and Lindsey brought the officers out square to a cent and the judicial examination again verified Thompson to a cent.

Now the particular thing that we wish to call attention to is the fact that the county paid the state examiners \$7,000.00. We of course, do not know what the county officers paid this expert accountant, but probably not to exceed \$700.00 and we would suggest to the state administration that they had better employ men that understand their business.

At the time this report was made against these officers we were inclined to think something was wrong with the report on account of the standing, character and reputation of these men in the community, and we now congratulate each and every one of them on their complete vindication. And we regret and every honest man re-

grets that they were put to great expense and annoyance on account of the incompetence or—of the so-called examiners.

Evidently a Diplomat.

A courtier taking leave of Louis XIV, who was sending him as an ambassador to a foreign court, was told by the king: "My most important instruction for you is to pursue a policy entirely different from that of your predecessor." "Sire," said the diplomatist, "I will endeavor to do so, that your majesty may not repeat the advice to my successor."

Church Has Nursery.

In order that mothers with babies might be able to attend church, and not be troubled with the infants, a nursery has been established by the First Methodist church at Vancouver, Wash. A room in the basement is used, and is equipped with toys for the amusement of the children.

Some Facks by Watsila.

Mr. Chieftain, that newspaper: I going to say it me this time you about it some candidate going to run it again, been lect it about five year, last time. What this Injon say it one time can say it two times. I don't owe it nobody something. I not paid I no body me, by gosh. I just tell it alltime truth you.

I going to tell it me Mr. Chieftain you. I can't see it how that Bob Nix can ask it some body to vote it her same office next time primary way to August next time. I tell it me, you.

I hear it her that Nix say it, vote it her lect to office last time lexon she run it no more this time. Step back give room some body who want it that office. I tell it me Mr. Chieftain you. I speck she forgot it what she say, but every body taint forgot it. I hear it keep mans say it like it this way. We going to vote it new clerk in this county next time at primary.

I see it she nounce it her self and ask it some body to it vote her if they like it her rekord. I tell it you I don't like it her rekord.

I see Callwell sue it her for this Craig county about \$1200.00, she spent it for booze I speck I don't owe what else she bought. I hear it some body say it she drink it heep red whiskey in court house, alltime be it drunk.

I speck when she nounce it her self in paper and ask it some body to vote it her if they like it her rekord, Well, I speck it Bob can't git it office no more she spile it herself last tim. This Injon don't like it that kind, taint no count to.

We going to lect it new mans next

GUARANTY LAW NO FEDERAL QUESTION

Oklahoma Bank's Suit Remanded to State Court and Another Will Test Board's Powers.

Oklahoma City, March 19.—Declaring that a federal question does not exist in the case of the People's National bank of Kingfisher against the state banking board, Federal Judge Cotteral remanded the cause to the state district court of Kingfisher county for adjudication. The People's bank was one of sixty-five state banks that surrendered their state charters and became national banks last March following an assessment against them of 1 per cent for the state guaranty fund.

The People's bank case served as a test of the question whether the state was attempting to take the property without due process of law. When the bank changed its charter, the organization became liable for all the obligations then existing, and it followed the new bank was liable if the law was valid. Judge Cotteral held that as the supreme court of the United States held that the Oklahoma guaranty law is valid, a federal question does not exist.

Representatives of the banks affected by the litigation will select a bank to test the banking board's authority before the state courts. It is alleged in petitions filed that the assessment is illegal, because it was not necessary, since the banking board had assets upon which to obtain all the money needed; that the 1 per cent should have been based upon the average daily deposits for the year previous, and not upon the statement of March 7, 1911; also that the money was to be used in bolstering weak banks, whereas the law requires that it be paid to depositors. The amount of the assessment being resisted is \$60,000.

time, I don't know who tis, but we finds it good mans in this county. We got it good mans that taint been lected tall. We find it some time soon in the morning, maby so before sun up. We git it name nounce in papers pirty soon. "Mr. Voter" wach it paper you see it name before primary. WATSILA.



Every Day

Adds to our showing of Millinery, so if you didn't see exactly the hat you wanted here today.

Come Tomorrow

Easter

comes earlier this year

April 7th

Don't put the hat off till next week

The Peplum Waist

Arrived in Vinita by Express Yesterday.

An entirely new creation which is now a sensation in the east. Made of silk, nets, laces and all over embroideries. The prices are

\$3.98 to \$8.50

The Tailored Serge Suit at \$25

is the best Serge suit we ever owned at any price.

All Sizes. Ask to See It

Sanders-Wright

VINITA'S BIG DEPARTMENT STORE

MILFORD-BERGER SHOE COMPANY

This is to be a

White Shoe Season

BUTTON BOOTS AND SLIPPERS

Newbuck and Canvas

We are supplied with everything shown in larger cities